

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN A. CROSBY,

Debtor.

DISCOVER BANK,

Garnishee.

Case No. 2:22-MC-00178-JAM-KJN

FINAL ORDER OF GARNISHMENT

Criminal Case No. 2:17-CR-00006-JAM

On June 3, 2022, the United States filed an Application for Writ of Garnishment against John A. Crosby's ("Debtor") interest in property. ECF 1. The Clerk of the Court issued the Writ and Clerk's Notice to Debtor. ECF 4. The United States served the Writ and related documents on Discover Bank ("Garnishee"), Debtor and Debtor's spouse. ECF 2, 5 and 6.

On June 27, 2022, Garnishee served its Acknowledgment of Service and Answer of Garnishee on Debtor, Debtor's spouse and the United States ("Answer"). ECF 11. In its Answer, Garnishee stated that it has possession of online savings account with an approximate total value of \$483.42. Id. Neither Debtor nor his spouse claimed an exemption, asked for a hearing, or objected to the Answer.

Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on August 9, 2022, the Magistrate Judge issued findings and recommendations that recommended that the United States' request for final order of garnishment be granted and ordered that any objections were due within 14 days after service. ECF 15. The United States served the findings and recommendations on Debtor and Debtor's spouse on August 9, 2022, and August 25, 2022, respectively. ECF 16, ECF 17. Neither Debtor nor his spouse objected and the time to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the file, the Court concludes that the Magistrate Judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The Findings and Recommendations for Final Order of Garnishment (ECF 15) are ADOPTED IN FULL;

2. Discover Bank ("Garnishee") is directed to pay the Clerk of the United States District Court all of the funds held by Garnishee within fifteen (15) days of the filing of this Final Order of Garnishment. Payment shall be made in the form of a cashier's check, money order, or company draft, made payable to the "Clerk of the Court" and delivered to:

Office of the Clerk
501 I St., Rm. 4-200
Sacramento, CA 95814

The criminal docket number (2:17-CR-00006-JAM) shall be stated on the payment instrument;

3. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the case, if necessary; and

4. The garnishment shall terminate when the payment is deposited with the Clerk of the Court.

IT IS SO ORDERED.

DATED: September 9, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE